

## **REMARKS**

Claims 1-5, 7-18, 20-22, 25-34, 37-38, 41-43, 45-47, 49-53, 55-58, and 61-70 are currently pending in the application. As indicated above, Claims 1-3, 5, 7-9, 11-13, 16, 27, 30, 37-38, 42, 51, 53, and 55 have been amended, and Claims 61-70 have been newly added. It is gratefully acknowledged that the Examiner had found allowable subject matter in Claims 4, 9-11, 25, 43, and 49.

In the Office Action, the Examiner has rejected Claim 18 under 35 U.S.C. § 112, second paragraph, as being indefinite, Claims 1-3, 5, 7, 8, 12-17, 20-22, 26-30, 32-43, 37, 38, 41, 45-47, 50-53, and 56-58 under 35 U.S.C. § 103(a) as being unpatentable over Applicants' Admitted Prior Art (AAPA), and Claims 22, 26, 34, 47, 50, and 58 under 35 U.S.C. § 103(a) as being unpatentable over the AAPA in view of *Eroz et al.* (U.S. 6,370,669 B1). Further, the Examiner has objected to Claims 1-3, 5, 13, 16, 27, 30, 37, 51, and 53 because of a number of informalities.

With regard to the rejection of Claim 18 under 35 U.S.C. § 112, second paragraph, as being indefinite, the Examiner takes issue with the phrase "at least one of the TTI", asserting that there is insufficient antecedent basis for this term. However, it is respectfully submitted that the Examiner is incorrectly reading this claim. More specifically, the phrase in Claim 18 is "controlling the switching of the demultiplexer and the multiplexer based on at least one of the TTI and the length of each of the radio frames." This phrase means that the switching is controlled by either the TTI or the length of each of the radio frames, or both the TTI and the length together. The Examiner is misreading this claim as meaning the controlling is controlled by "at least one of the TTI" AND "the length of each of the radio frames". Accordingly, reading this claim as the Examiner is, the term "at least one of the TTI" would be indefinite. However, by appropriately reading this claim as written, there is no indefiniteness, as "at least one of the TTI" is not a term or a complete phrase. Therefore, it is respectfully requested that the rejection to Claim 18 be withdrawn.

With regard to the Examiner's objections to Claims 1-3, 5, 13, 16, 27, 30, 37, 51, and 53, as indicated above, these claims have been amended. Accordingly, it is respectfully submitted that the informalities cited by the Examiner have been corrected, and it is respectfully requested that the objection to these claims be withdrawn.

As indicated above, the Examiner has rejected independent Claims 1, 13, 27, 37, and 51 under 35 U.S.C. § 103(a) as being unpatentable over the AAPA. More specifically, the Examiner asserts that the prior art shown in FIG. 1 of the present application shows all the recitations of these claims, except for a DEMUX for demultiplexing, which the Examiner is asserting would be obvious to one skilled in the art because if data is multiplexed it must be demultiplexed, i.e., there must be a DEMUX, to undo the multiplexing. However, in the present invention as recited in independent Claims 1, 13, 27, 37, and 51, the demultiplexing is specifically performed before rate matching. As a result, effective rate matching can be performed by adding a DEMUX before a rate matching unit to separate an information stream and parity streams of the encoded stream when the information stream is not to be punctured for rate matching in an uplink transmitter in a mobile communication system. However, in the AAPA, it is respectfully submitted that there is no teaching of demultiplexing before rate matching. Further, it is respectfully submitted that this step would not be obvious to one skilled in the art. Therefore, it is respectfully requested that the rejection to Claims 1, 13, 27, 37, and 51 be withdrawn.

Based on the arguments and amendments presented above, it is respectfully submitted that independent Claims 1, 13, 27, 37, and 51 are in condition for allowance. Without conceding the patentability per se of the pending dependent claims, they are likewise believed to be allowable by virtue of their dependence on independent Claims 1, 13, 27, 37, and 51, respectively. Accordingly, reconsideration and withdrawal of the rejections and objections of the dependent claims are respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-5, 7-18, 20-22, 25-34, 37-38, 41-43, 45-47, 49-53, 55-58, and 61-70, are believed to be in condition for

allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written in a cursive style.

Paul J. Farrell  
Reg. No. 33,494  
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP  
333 Earle Ovington Blvd.  
Uniondale, New York 11553  
Tel: (516) 228-8484  
Fax: (516) 228-8516

PJF/DMO/lah